



BILLING CODE 4333-15

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

**[Docket No. FWS-R4-ES-2022-0002; FXES11130400000-223-FF04EF4000]**

### **Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Audubon's Crested Caracara; Glades County, FL; Categorical Exclusion**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments and information.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce receipt of an application from Stewart Materials, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed Audubon's crested caracara incidental to the construction and operation of a sand mine in Glades County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this HCP qualifies as "low effect," categorically excluded under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

**DATES:** We must receive your written comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** *Obtaining Documents:* You may obtain copies of the documents online

in Docket No. FWS-R4-ES-2022-0002 at <https://www.regulations.gov>.

*Submitting Comments:* If you wish to submit comments on any of the documents, you may do so in writing by any of the following methods:

- Online: <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R4-ES-2022-0002.
- U.S. mail: Public Comments Processing, Attn: Docket No. FWS-R4-ES-2022-0002; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

**FOR FURTHER INFORMATION CONTACT:** Alfredo Begazo, by U.S. mail (see **ADDRESSES**), or via phone at 772–469–4234. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We, the Fish and Wildlife Service, announce receipt of an application from Stewart Materials, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed Audubon’s crested caracara (*Polyborus plancus audubonii*) (caracara) incidental to the construction and operation of a sand mine in Glades County, Florida. We request public comment on the application, which includes the applicant’s HCP, and on the Service’s preliminary determination that this HCP qualifies as “low effect,” categorically excluded under the National Environmental Policy Act (NEPA; 42

U.S.C. 4321 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

## **Project**

The applicant requests a 20-year ITP to take caracara via the conversion of approximately 408.4 acres of occupied nesting, foraging, and sheltering caracara habitat incidental to the construction and operation of a sand mine on a 408.4-acre parcel in Sections 21, 22, 27, and 28, Township 41 South, Range 31 East in Glades County, Florida. The applicant proposes to mitigate for take of caracara by donating \$100,000 to the Fish and Wildlife Foundation of Florida's Crested Caracara Conservation Fund, an organization dedicated to the recovery efforts for the species. The applicant would make the proposed donation prior to engaging in any phase of the project. Additionally, after the mining operations have concluded, the applicant will plant 20 cabbage palm trees in the buffer around the lake on the parcel. Cabbage palms are the preferred nesting tree for the caracara. These plantings will enhance the area for caracara nesting.

## **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

## **Our Preliminary Determination**

The Service has made a preliminary determination that the applicant's project—including land clearing, grading, excavating, and removal of commercial grade sands via an electric powered hydraulic dredge; construction of berms and access roads; and other ground disturbance and site preparation activities—would individually and cumulatively have a minor or negligible effect on the caracara and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion and that the HCP is low effect under our NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect HCP is one that would result in (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and, (3) impacts that, when considered together with the impacts of other past, present, and reasonable foreseeable similarly situated projects, would not result in significant cumulative effects to environmental values or resources over time.

## **Next Steps**

The Service will evaluate the application and the comments to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0012910 to Stewart Materials, LLC.

**Authority**

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

**Robert L. Carey,**

*Division Manager, Environmental Review,*

*Florida Ecological Services Office.*

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